IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

R.S.A. No.3146 of 2000
Date of decision: March 15,2007

Baba Bullan Shah V. Mangal Singh and another

CORAM: HON'BLE MR.JUSTICE VINEY MITTAL

Present: Shri B.R.Mahajan,Advocate, for the appellant.
Shri Arun Palli, Advocate,for the respondent-Board.

Viney Mittal,J.(Oral)

A suit for permanent injunction was filed by Baba Thokar Shah (since dead). It was claimed by him that he was in peaceful possession of the property in question and,therefore, the defendants be restrained from interfering into the said possession.

During the pendency of the proceedings before the trial court, the original plaintiff, Baba Thokar Shah died. One Baba Bullan Shah claiming himself as Chela of Baba Thokar Shah had substituted himself as his legal representative. However, neither Baba Thokar Shah, the original plaintiff nor his alleged legal representative, Baba Bullan Shah (present appellant) ever appeared in the witness box. On the basis of the evidence available on the record both the courts below have held that the plaintiff has failed to prove the possession over the suit property. Consequently, the suit filed has been dismissed by the trial court and his appeal has also failed before the first appellate court.

Nothing has been shown that the findings recorded by the two Courts below suffer from any infirmity or are contrary to the record.

No question of law, much less any substantial question of law, arises in the present appeal.

Dismissed.

March 15,2007 (Viney Mittal)
sks Judge